

## REMARKS

In the present application, claims 9-42 are pending and subject to an election/restriction requirement in view of the action mailed September 23, 2004. Claim 13 has been cancelled in this response. Consideration of the present application in view of the amendments above and the remarks that follow is respectfully requested.

The Restriction Requirement requires election of one of the following species of the claimed invention characterized by the following figures:

<u>Plate Configuration</u>	<u>Figs.</u>
1	1
2	3a
3	3b
4	3c
5	3d
6	3e
7	3f
8	3g

<u>Locking System</u>	<u>Figs.</u>
A	15-17 (Set screw with full circumferential washer)
B	20-23 (Set screw with washer having cutouts)

<u>Bone Screws</u>	<u>Figs.</u>
Non-tapered	4-5
Tapered portion	?

Applicants hereby elect the plate configuration 6, locking system A, and the non-tapered bone screws. The Restriction Requirement indicates that claims 23-25, 28, 30-33 and 40-42 are generic. In reviewing the claims, it is believed that claim 39 was also intended to be indicated as generic since generic claims 40-42 depend therefrom.

It is believed that, in addition to the generic claims, claims 9-12, 14-19, 26, and 27 read on the elected species. With respect to claims 9-12, it is believed that at least page

22, line 9 to page 23, line 4 of applicants' specification indicates that claims 9-12 are readable on the locking system of Figs. 15-17.

Examination of claims 9-12, 14-19, 23-28, 30-33 and 39-42 is respectfully requested. The Examiner is welcome to contact the undersigned to resolve any outstanding issue with regard to the present application.

Respectfully submitted

By: 

Douglas A. Collier

Reg. No. 43,556

Woodard, Emhardt, Moriarty,

McNett & Henry LLP

Bank One Center/Tower

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456